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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R094-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:04AM on Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 385.114 states that the "*State Board to prescribe and cause enforcement of courses of study for public schools*"; NRS 394.221 states that "*The Board shall adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act*" and NRS 394.241 requires "*Maintenance and operation in compliance with minimum standards; accreditation as evidence of compliance*".
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation updates references to AdvanceEd with Cognia as an organization that provides accreditation.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
- 7. Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same**

activity: No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov/>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R094-24

June 6, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 385.080 and 385.114; §§ 2 and 3, NRS 385.080, 394.221 and 394.241.

A REGULATION relating to education; replacing AdvancED with Cognia as an organization that provides accreditation to secondary educational institutions that provide certain correspondence courses and to private elementary and secondary educational institutions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe and cause to be enforced the courses of study for the public schools of this State. (NRS 385.114) Existing regulations require a school district to grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, if the pupil successfully completes a correspondence course that is equivalent to a course offered in the regular program in the school district and the correspondence course is provided by an accredited secondary educational institution. (NAC 389.680) **Section 1** of this regulation replaces AdvancEd with Cognia as one of the entities authorized to provide such accreditation because, in 2018, AdvancEd merged with Measured Progress to become Cognia.

Existing law requires a private elementary or secondary educational institution desiring to operate in this State to obtain a license from the State Board. (NRS 394.251) Existing regulations establish different requirements for such a license based on whether or not the applicant for the license is accredited by AdvancEd or its successor organization. (NAC 394.025) **Sections 2 and 3** of this regulation replace AdvancEd with Cognia because of the merger of AdvancEd with Measured Progress to create Cognia. (NAC 394.025, 394.200)

Section 1. NAC 389.680 is hereby amended to read as follows:

389.680 1. A school district may, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward

completion of an adult high school program for his or her successful completion of a correspondence course if:

(a) The course is provided by a secondary educational institution which is approved by the State Board of Education; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

2. A school district shall, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, for his or her successful completion of a correspondence course if:

(a) The course is provided and credit was issued by a secondary educational institution which is accredited by:

(1) The Middle States Association of Colleges and Schools;

(2) The New England Association of Schools and Colleges;

(3) The North Central Association of Colleges and Schools;

(4) ~~AdvancED~~ *Cognia* or its successor organization, or any affiliate thereof;

(5) The Southern Association of Colleges and Schools; or

(6) The Western Association of Schools and Colleges; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

Sec. 2. NAC 394.025 is hereby amended to read as follows:

394.025 1. An applicant that is not accredited by ~~{AdvaneED}~~ *Cognia* or its successor organization, or any affiliate thereof, shall comply with the provisions of NAC 394.020, 394.030 to 394.180, inclusive, and 394.250 to 394.265, inclusive.

2. An applicant that is accredited by ~~{AdvaneED}~~ *Cognia* or its successor organization, or any affiliate thereof, shall comply with the provisions of NAC 394.020 and 394.200 to 394.265, inclusive.

Sec. 3. NAC 394.200 is hereby amended to read as follows:

394.200 An applicant shall submit to the Department, on a form prescribed by the Department:

1. Documentation sufficient to verify the accreditation of the private school by ~~{AdvaneED}~~ *Cognia* or its successor organization, or any affiliate thereof.

2. A copy of the articles of incorporation for the private school, the bylaws for the private school or other documentation acceptable to the Department which sets forth the purpose of the private school.

3. Documentation which indicates that the facility occupied by the private school has been inspected and meets the requirements of applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.

4. Documentation which indicates that an owner or administrator of the private school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

5. If the private school uses motor vehicles for the transportation of pupils, evidence of compliance with NRS 394.190.

6. Plans, blueprints or line drawings which describe in detail the facilities in which the private school will operate. “As-built” drawings must be submitted for existing facilities.
7. Evidence that a surety bond or certificate of deposit has been filed pursuant to NRS 394.271.
8. If the application is submitted by a nonprofit organization, evidence of an official declaration of tax-exempt status by the Internal Revenue Service.
9. The policies and regulations of the private school concerning the requirements for the enrollment and entrance of pupils, which must be clearly stated in the applicable literature.
10. A statement of assurance that pupils will be admitted to the private school without regard to race.
11. A statement of the policies and regulations of the private school relating to the conduct and behavior of pupils. Procedures for the dismissal of pupils must comply with the requirements of due process of law.
12. Three local references attesting to the character and reputation of the owner or chair of the board of trustees of the private school.